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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JULIE MATHIS, an individual, MARLYS
PLUMER, an individual and CYNTHIA
SUTHERLAND, in her Capacity as Special
Administrator of the Estates of Robert Mathis
and Linda Mathis,

Plaintiffs,

v.

IDS PROPERTY & CASUALTY INSURANCE
COMPANY, a Wisconsin Corporation,
AMERIPRISE AUTO & HOME INSURANCE
COMPANY, a Wisconsin Corporation,
AMERIPRISE INSURANCE COMPANY, a
Wisconsin Corporation, AMERIPRISE AUTO &
HOME INSURANCE AGENCY, INC., a
Wisconsin Corporation and AMERIPRISE
FINANCIAL, INC. a Delaware Corporation,

Defendants.

Case No. 2:16-cv-02069-APG-GWF
Consolidated with Case No. 3:17-cv-00214-
HDM-VPC

STIPULATION AND ORDER TO STAY
PROCEEDINGS PENDING
CONCLUSION OF MEDIATION SET
FOR MAY 8, 2018

COMES NOW, PLAINTIFFS, JULIE MATHIS and MARLYS PLUMER (collectively
hereinafter, “the Parties”) by and through their attorney of record, JAMES W. PUZEY, ESQ.
CALVIN R. X. DUNLAP, ESQ. and MONIQUE LAXALT, ESQ, respectively, Plaintiff,
CYNTHIA SUTHERLAND, in her capacity as Special Administrator of the Estates of Robert

Mathis and Linda Mathis, by and through her attorney of record, CHARLES B. WOODMAN, ESQ. and DEFENDANTS, IDS PROPERTY & CASUALTY INSURANCE COMPANY, AMERIPRISE AUTO & HOME INSURANCE COMPANY, AMERIPRISE INSURANCE COMPANY, AMERIPRISE AUTO & HOME INSURANCE AGENCY, INC. and AMERIPRISE FINANCIAL, INC. (hereinafter collectively “Defendants”) by and through its attorney of record, THOMAS FRIEDMAN of BROWN, BONN & FRIEDMAN, LLP, hereby stipulate and agree as follows:

1. IDS PROPERTY & CASUALTY INSURANCE COMPANY filed a First Amended Complaint on or about June 26, 2017.

2. IDS PROPERTY & CASUALTY INSURANCE COMPANY, AMERIPRISE AUTO & HOME INSURANCE COMPANY, AMERIPRISE INSURANCE COMPANY, AMERIPRISE AUTO & HOME INSURANCE AGENCY, INC. and AMERIPRISE FINANCIAL, INC., filed a Motion to Dismiss on or about June 27, 2017.

3. JULIE MATHIS and MARLYS PLUMER filed an Opposition to Defendant’s Motion to Dismiss on or about August 8, 2017.

4. JULIE MATHIS and MARLYS PLUMER’s filed an Answer to the Amended Complaint on or about August 9, 2017.

5. IDS PROPERTY & CASUALTY INSURANCE COMPANY filed a Reply to Plaintiff’s Opposition to the Motion to Dismiss on or about August 25, 2017.

6. On March 6, 2018, the Court issued its order granting Defendant’s Motion to Dismiss in part.

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1 7. AMERIPRISE AUTO & HOME INSURANCE AGENCY, INC., AMERIPRISE
2 AUTO & HOME INSURANCE COMPANY, AMERIPRISE FINANCIAL INC. and
3 AMERIPRISE INSURANCE COMPANY filed an Answer to the Complaint on or about March
4 20, 2018.

5 8. The Plaintiffs and Defendants are amendable to conducting Mediation on May 8,
6 2018 at 9:00 a.m. to be held at Robert Eisenberger's office.

7 9. In connection with the Mediation and in an effort to preserve resources, Plaintiffs
8 and Defendants hereby agree to stay this action, including discovery and motion briefing, until
9 after the conclusion of the May 8, 2018 mediation.

10 10. To determine if a stay is appropriate, the Court considers (1) damage from the
11 stay; (2) hardship or inequity that befalls one party more than the other; and (3) the orderly
12 course of justice. *See Dependable Highway Exp., Inc. v. Navigators Ins. Co.*, 498 F.3d 1059,
13 1066 (9th Cir. 2007). Here the parties agree these factors support their Stipulation to Stay
14 litigation.

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17 a. Damage from Stay: Any damage from a temporary stay will be minimal if
18 balanced against the potential fees, costs, and time that would surely ensue in this matter if
19 litigation were allowed to continue, which could be mooted by a resolution of the multiple
20 actions. Indeed, if the matter is settled, the Court will be relieved of expending further time and
21 efforts in this matter. Therefore, a stay will benefit all parties involved herein.

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1 b. Hardship or Inequity: There will be no significant hardship or inequity that
2 befalls unto either party, more than the other, given the relatively short period of the requested
3 stay. The parties agree that any hardship or inequity that may fall upon any of them is
4 outweighed by the benefits of the stay.

5 c. Orderly Course of Justice: By staying this matter temporarily so the parties may
6 engage in settlement discussions with the Court's assistance, the potential for inconsistent
7 outcomes is lessened with the chances of a settlement. Without a stay, the parties will expend
8 resources unnecessarily if a settlement is reached. As such, a temporary stay would substantially
9 promote the orderly course of justice.

10 11. The parties therefore agree that all proceedings in this instant case, including
11 motion, discovery and other litigation deadlines are stayed pending the conclusion of the
12 mediation set for May 8, 2018 at 9:00 a.m.

13 12. In the event this matter is not resolved at the May 8, 2018 mediation, Plaintiffs
14 and Defendants shall submit an Amended Discovery Plan and Scheduling Order to the Court not
15 later than fourteen (14) days after the conclusion of the mediation.

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13. This Stipulation is not brought for the purpose of delay and counsel hereby certifies this Stipulation is made with the knowledge and consent of their clients.

Attorney for JULIE MATHIS

Attorneys for MARLYS PLUMBER

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Reno, NV 89503

Dated this 29th day of March, 2018

Dated this 29th day of March, 2018

*Attorney for IDS PROPERTY & CASUALTY
INSURANCE COMPANY & AMERIPRISE
AUTO & HOME INSURANCE AGENCY,
INC., AMERIPRISE AUTO & HOME
COMPANY, AMERIPRISE FINANCIAL INC
& AMERIPRISE INSURANCE COMPANY*

Attorney for CYNTHIA SUTHERLAND, AS
SPECIAL ADMINISTRATOR OF THE
ESTATES OF ROBERT MATHIS AND
LINDA MATHIS

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Dated this 29th day of March, 2018.

Dated this 29th day of March, 2018.

ORDER

IT IS SO ORDERED.

DATED this 2nd day of April ____, 2018.


UNITED STATES MAGISTRATE JUDGE